

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

City of Port Isabel, *et al.*,)
Petitioners,)
)
v.) Nos. 23-1175 and 23-1222
) (consolidated)
Federal Energy Regulatory)
Commission,)
Respondent.)

**RESPONDENT FEDERAL ENERGY REGULATORY
COMMISSION'S RESPONSE TO ORDER TO SHOW CAUSE**

The Federal Energy Regulatory Commission responds below to the Court's October 19, 2023 order to show cause regarding briefing in this case. *See* ECF No. 2022744.

Briefing: The parties have conferred and request that the dates set forth in the Court's October 19 order be extended by 7 days to accommodate coordination with Case No. 23-1174.

This case and Case No. 23-1174 involve appeals of separate sets of orders issued by the Commission that authorize the construction and operation of two liquefied natural gas facilities in Cameron County, Texas. (The orders at issue in Case No. 23-1174 also involve an associated pipeline project.) *See Rio Grande LNG*, 183 FERC ¶ 61,046, *reh'g denied*, 185 FERC ¶ 61,080 (2023); *Texas LNG Brownsville LLC*,

183 FERC ¶ 61,047, *reh'g denied* 185 FERC ¶ 61,079 (2023). The Commission orders were developed with separate administrative records and relate to two distinct projects.

Both sets of orders, however, respond to the Court's remand in *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321 (D.C. Cir. 2021). And it is expected that Petitioners will raise some common issue as to both sets of orders. A one-week extension of the dates set forth in the Court's October 19 order would allow briefing in this case to be slightly staggered from that in Case No. 23-1174. This would help ensure that the issues in the two cases can be presented to the Court more concisely and consistently.

Such an adjustment would result in the following schedule:

Joint brief for petitioners (not to exceed 13,000 words)	December 13, 2023
Brief for respondent (not to exceed 13,000 words)	February 12, 2023
Brief for respondent-intervenor (not to exceed 9,100 words)	February 19, 2023
Joint reply brief for petitioners (not to exceed 6,500 words)	March 11, 2023

Deferred appendix

March 18, 2023

Final briefs

April 1, 2023

Oral Argument: In light of the expectation of common issues between the two cases, the parties believe it would be most efficient to have this case and Case No. 23-1174, *et al.* assigned to the same panel and, if oral argument occurs, be heard on the same day. This is the same procedure utilized in the appeals underlying the *Vecinos* decision.

Respectfully submitted,

/s/ Robert M. Kennedy

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Certificate of Compliance

This document complies with the word limits in Fed. R. App. P. 27 because it contains 370 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f) and Circuit Rule 32(e)(1).

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/s/ Robert M. Kennedy
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CERTIFICATE OF SERVICE

I hereby certify that, on November 3, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Robert M. Kennedy
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